IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.72 OF 2007
IN
CIVIL REVISION APPLICATION NO.73 OF 2005

Mrs.Shalan Amrarsinh Khandekar & Ors. ...Applicants

vs.

M/s.Somani Bafna Associates ...Respondents

Mr.P.B.Shah for the Applicants
Mr.Shriram Kulkarni for the first Respondent.

CORAM: A.S.OKA,J.
DATE : JUNE 28, 2007.

P.C.:

1. Heard learned Advocate for the Applicant and the learned Advocate for the first Respondent. Prayer (b) of this Application cannot be considered as the trust referred to in prayer clause (b) is not a party to the Revision Application or to the suit. Consequently, prayers (c) and (d) cannot be considered. So far as prayer (a) is concerned, the same is confined to the first Respondent.

2. Shri Kulkarni for the first Respondent states that the first Respondent has already created third party interests in respect of the suit property and now there is no question of the said Respondent creating any third party interests. The statement is accepted. In view of this statement, it is not necessary to grant interim relief in terms of prayer clause (a).

3. Hence, I pass the following order :

i) In view of the aforesaid solemn statement made by the learned Advocate for the first Respondent, the relief in terms of prayer clause (a) is not granted.

ii) In so far as prayers (b) to (d) are concerned, it will be open for the Applicant to take out appropriate proceeding in that behalf against the third party named therein.

iii) Application is disposed of.

JUDGE